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Attorneys for Defendant
DELIA FABRO-MISKE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Cr. No. 1-19-CR-00099 DJK-KJM

Plaintiff,

vs.

DELIA FABRO-MISKE (12),

SECOND DECLARATION OF
MARCIA A. MORRISSEY IN
SUPPORT OF MOTION FOR
LATE FILING OF 15 MOTIONS
IN LIMINE ON BEHALF OF
DELIA FABRO-MISKE

Defendant.

Delia Fabro-Miske, by her counsel, Marcia A. Morrissey and Donovan A. Odo, files this Second Declaration of Marcia A. Morrissey, in support of her

previously-filed Motion to Permit Late Filing of 15 Motions in limine on behalf of Delia Fabro-Miske (ECF 1077).

Dated: November 14, 2023

Respectfully submitted,

/s/ Marcia A. Morrissey
MARCIA A. MORRISSEY

/s/ Donovan A. Odo
DONOVAN A. ODO

Attorneys for Defendant
DELIA FABRO-MISKE

Declaration of Marcia A. Morrissey

I, Marcia A. Morrissey, declare and state as follows:

1. I am an attorney licensed to practice by the State of California and, along with Donovan A. Odo, I have been appointed to represent Delia Fabro-Miske in this case.

2. I incorporate the information set forth in Ms. Miske's motion for the late filing of fifteen (15) motions in limine (ECF 1077), with the exception of two misstatements that appear in that document. First, the date that appears in paragraph 4, line 1, and in the final paragraph on page 5, should be November 13, 2023, not February 13, 2022. To be clear, this Court's scheduling order set November 13, 2022, as the date for filing motions in limine (ECF 849).

3. I had further contact with the Help Desk after my first call this morning, which is described in the declaration accompanying ECF 1077 in paragraph 5. I subsequently spent about two (2) hours on the telephone with the Help Desk, during which time, with their assistance, I was able to file Motions in Limine Two through Nine. However, despite the able assistance of the Help Desk, the Notice of Electronic Filing for ECF 1079, which is described as a Third Motion in Limine re Exclusion and Conduct of Witnesses, is not correct. In fact,

the document labeled as 1079 is the second motion in limine re advance notice of witnesses, previously filed as ECF 1078. I will correct this error by filing an Errata as to ECF 1079. According to the Help Desk, they have never encountered such problems before.

4. After unsuccessful attempts to correctly file the third motion in limine and motions in limine 10 through 16 even with the assistance of the Help Desk, I asked my co-counsel, Donovan A. Odo to file the remaining motions. He was able to do so.

5. As of 2:30 p.m. HST, the government has not responded to Mr. Odo's email seeking their position of the motion to file late motions in limine.

Miske's defense ought not suffer because of my error.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on November 14, 2023, at Los Angeles, California.

/s/ Marcia A. Morrissey
MARCIA A. MORRISSEY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically served through CM/ECF on the following on November 14, 2023:

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DATED: November 14, 2023.

/s/ Marcia A. Morrissey
Marcia A. Morrissey